



General Assembly

January Session, 2001

**Amendment**

LCO No. 8008

Offered by:

SEN. GUNTHER, 21<sup>st</sup> Dist.

To: Subst. Senate Bill No. 730

File No. 5

Cal. No. 59

**"AN ACT CONCERNING THE SUNSET LAW."**

1 Strike out everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 17a-2 of the general statutes is repealed and the  
4 following is substituted in lieu thereof:

5 (a) There shall be a Department of Children and Families which  
6 shall be a single budgeted agency consisting of the institutions,  
7 facilities programs now existing within the department, any programs  
8 and facilities transferred to the department, and such other  
9 institutions, facilities and programs as may hereafter be established by  
10 or transferred to the department by the General Assembly.

11 (b) Said department shall constitute a successor department to the  
12 Department of Children and Youth Services, for the purposes of  
13 sections [2c-2b,] 4-5, 4-38c, 4-60i, 4-77a, 4-165b, 4a-11b, 4a-12, 4a-16, 5-  
14 259, 7-127c, 8-206d, 10-8a, 10-15d, 10-76d, 10-76h, 10-76i, 10-76w, 10-  
15 76g, 10-94g, 10-253, 17-86a, 17-294, 17-409, 17-437, 17-572, 17-578, 17-

16 579, 17-585, 17a-1 to 17a-89, inclusive, 17a-90 to 17a-209, inclusive, 17a-  
17 218, 17a-277, 17a-450, 17a-458, 17a-463, 17a-474, 17a-560, 17a-511, 17a-  
18 634, 17a-646, 17a-659, 18-69, 18-69a, 18-87, 19a-78, 19a-125, 19a-216, 20-  
19 14i, 20-14j, 31-23, 31-306a, 38a-514, 45a-591 to 45a-705, inclusive, 45a-  
20 706 to 45a-770, inclusive, 46a-28, 46a-126, 46b-15 to 46b-19, inclusive,  
21 46b-120 to 46b-159, inclusive, 54-56d, 54-142k, 54-199, 54-203 and in  
22 accordance with the provisions of sections 4-38d and 4-39.

23 (c) Whenever the words "Commissioner of Children and Youth  
24 Services", "Department of Children and Youth Services", or "Council  
25 on Children and Youth Services" are used in sections [2c-2b,] 4-5, 4-38c,  
26 4-60i, 4-77a, 4-165b, 4a-11b, 4a-12, 4a-16, 5-259, 7-127c, 8-206d, 10-8a,  
27 10-15d, 10-76d, 10-76h, 10-76i, 10-76w, 10-94g, 10-253, 17-86a, 17-294,  
28 17-409, 17-437, 17-572, 17-578, 17-579, 17-585, 17a-1 to 17a-89, inclusive,  
29 17a-90 to 17a-209, inclusive, 17a-218, 17a-277, 17a-450, 17a-458, 17a-463,  
30 17a-474, 17a-511, 17a-634, 17a-646, 17a-659, 18-69, 18-69a, 18-87, 19a-78,  
31 19a-125, 19a-216, 20-14i, 20-14j, 31-23, 31-306a, 38a-514, 45a-591 to 45a-  
32 705, inclusive, 45a-706 to 45a-770, inclusive, 46a-28, 46a-126, 46b-15 to  
33 46b-19, inclusive, 46b-120 to 46b-159, inclusive, 54-56d, 54-142k, 54-199,  
34 54-203, the words "Commissioner of Children and Families",  
35 "Department of Children and Families", and "Council on Children and  
36 Families" shall be substituted respectively in lieu thereof.

37 Sec. 2. Section 17a-247a of the general statutes is repealed and the  
38 following is substituted in lieu thereof:

39 As used in sections 17a-247b to 17a-247e, inclusive: [, and  
40 subdivision (31) of subsection (a) of section 2c-2b:]

41 (1) "Abuse" means the wilful infliction by an employee of physical  
42 pain or injury or the wilful deprivation of services necessary to the  
43 physical and mental health and safety of a department client.

44 (2) "Authorized agency" means any agency authorized in  
45 accordance with the general statutes to conduct abuse and neglect  
46 investigations and responsible for issuing or carrying out protective

47 services for persons with mental retardation.

48 (3) "Commissioner" means the Commissioner of Mental Retardation.

49 (4) "Department" means the Department of Mental Retardation.

50 (5) "Department client" means a person who is eligible for, and  
51 receives services or funding from, the department.

52 (6) "Employee" means any individual employed (A) by the  
53 department, or (B) by an agency, organization or individual that is  
54 licensed or funded by the department.

55 (7) "Employer" means (A) the department, or (B) an agency,  
56 organization or individual that is licensed or funded by the  
57 department.

58 (8) "Neglect" means the failure by an employee, through action or  
59 inaction, to provide a department client with the services necessary to  
60 maintain such client's physical and mental health and safety.

61 (9) "Protective services" has the same meaning as provided in  
62 section 46a-11a.

63 (10) "Registry" means a centralized data base containing information  
64 regarding substantiated abuse or neglect.

65 (11) "Substantiated abuse or neglect" means a determination by an  
66 authorized agency, following an investigation conducted or monitored  
67 by such agency, that (A) abuse or neglect of a department client has  
68 occurred, or (B) there has been a criminal conviction of a felony or  
69 misdemeanor involving abuse or neglect.

70 Sec. 3. Subsection (a) of section 17a-450a of the general statutes is  
71 repealed and the following is substituted in lieu thereof:

72 (a) The Department of Mental Health and Addiction Services shall  
73 constitute a successor department to the Department of Mental Health.  
74 Whenever the words "Commissioner of Mental Health" are used or

75 referred to in the following general statutes, the words "Commissioner  
76 of Mental Health and Addiction Services" shall be substituted in lieu  
77 thereof and whenever the words "Department of Mental Health" are  
78 used or referred to in the following general statutes, the words  
79 "Department of Mental Health and Addiction Services" shall be  
80 substituted in lieu thereof: [2c-2b,] 4-5, 4-38c, 4-60i, 4-77a, 4a-12, 4a-16,  
81 5-142, 8-206d, 10-19, 10-71, 10-76d, 13b-38n, 17a-14, 17a-26, 17a-31, 17a-  
82 33, 17a-218, 17a-246, 17a-450, 17a-451, 17a-452, 17a-453, 17a-454, 17a-  
83 455, 17a-456, 17a-457, 17a-458, 17a-459, 17a-460, 17a-463, 17a-464, 17a-  
84 465, 17a-466, 17a-467, 17a-468, 17a-470, 17a-471, 17a-472, 17a-473, 17a-  
85 474, 17a-476, 17a-478, 17a-479, 17a-480, 17a-481, 17a-482, 17a-483, 17a-  
86 484, 17a-498, 17a-499, 17a-502, 17a-506, 17a-510, 17a-511, 17a-512, 17a-  
87 513, 17a-519, 17a-528, 17a-560, 17a-561, 17a-562, 17a-565, 17a-576, 17a-  
88 581, 17a-582, 17a-675, 17b-28, 17b-222, 17b-223, 17b-225, 17b-359, 17b-  
89 420, 17b-694, 19a-82, 19a-495, 19a-498, 19a-507a, 19a-507c, 19a-576, 19a-  
90 583, 20-14i, 20-14j, 21a-240, 21a-301, 22a-224, 27-122a, 31-222, 38a-514,  
91 46a-28, 51-51o, 52-146h and 54-56d.

92 Sec. 4. Subsection (b) of section 17a-456 of the general statutes is  
93 repealed and the following is substituted in lieu thereof:

94 (b) Whenever the term "Board of Mental Health" is used or referred  
95 to in the following sections of the general statutes, the term "Board of  
96 Mental Health and Addiction Services" shall be substituted in lieu  
97 thereof: [2c-2b,] 17a-457, 17a-460, 17a-467, 17a-473, 17a-564.

98 Sec. 5. Section 19a-13 of the general statutes is repealed and the  
99 following is substituted in lieu thereof:

100 As used in [subsection (a) of section 2c-2b,] this chapter and  
101 chapters 368v, 369 to 375, inclusive, 378 to 381, inclusive, 383 to 388,  
102 inclusive, 398 and 399 unless the context otherwise requires:

103 (1) "Certificate" includes the whole or part of any Department of  
104 Public Health permit which the department is authorized by the  
105 general statutes to issue and which further: (A) Authorizes practice of

106 the profession by certified persons but does not prohibit the practice of  
107 the profession by others, not certified; (B) prohibits a person from  
108 falsely representing that [he] the person is certified to practice the  
109 profession unless the person holds a certificate issued by the  
110 department; (C) requires as a condition to certification that a person  
111 submit specified credentials to the department which attest to  
112 qualifications to practice the profession;

113 (2) "Emerging occupation or profession" means a group of health  
114 care providers whose actual or proposed duties, responsibilities and  
115 services include functions which are not presently regulated or  
116 licensed or which are presently performed within the scope of practice  
117 of an existing licensed or otherwise regulated health occupation or  
118 profession;

119 (3) "License" includes the whole or part of any Department of Public  
120 Health permit, approval or similar form of permission required by the  
121 general statutes and which further requires: (A) Practice of the  
122 profession by licensed persons only; (B) that a person demonstrate  
123 competence to practice through an examination or other means and  
124 meet certain minimum standards; (C) enforcement of standards by the  
125 department or regulatory board or commission;

126 (4) "Public member" means an elector of the state who has no  
127 substantial financial interest in, is not employed in or by, and is not  
128 professionally affiliated with, any industry, profession, occupation,  
129 trade or institution regulated or licensed by the board or commission  
130 to which [he] the elector is appointed, and who has had no  
131 professional affiliation with any such industry, profession, occupation,  
132 trade or institution for three years preceding [his] the elector's  
133 appointment to the board or commission;

134 (5) "Registration" means the required entry upon a list maintained  
135 by the Department of Public Health of the name of a practitioner or the  
136 address of a place where a practice or profession subject to the  
137 provisions of [subsection (a) of section 2c-2b,] this chapter and

138 chapters 368v, 369 to 375, inclusive, 378 to 381, inclusive, 383 to 388,  
139 inclusive, 398 and 399 may be engaged in;

140 (6) "Complaint" means a formal statement of charges issued by the  
141 Department of Public Health.

142 Sec. 6. Subdivision (4) of subsection (a) of section 19a-14 of the  
143 general statutes is repealed and the following is substituted in lieu  
144 thereof:

145 (4) Adopt, with the advice and assistance of the appropriate board  
146 or commission, and in accordance with chapter 54, any regulations  
147 which are consistent with protecting the public health and safety and  
148 which are necessary to implement the purposes of [subsection (a) of  
149 section 2c-2b,] this chapter [,] and chapters 368v, 369 to 375, inclusive,  
150 378 to 381, inclusive, 383 to 388, inclusive, 398 and 399.

151 Sec. 7. Sections 2c-1 to 2c-12, inclusive, of the general statutes are  
152 repealed.

153 Sec. 8. This act shall take effect July 1, 2001."